

Exhibit A

Mitchell Nobel

From: Anne Arcoleo
Sent: Monday, December 5, 2022 4:34 PM
To: Campbell, Eamonn W.; Mitchell Nobel; Laura King; Tether Team
Cc: Rudzin, Abby F.; Greg Hollon; Timothy B. Fitzgerald; Lisa Nelson; Elisabeth J. Guard; Matt Monkress
Subject: RE: In re Tether Bitfinex - Plaintiffs' Proposed Search Terms

Eamonn,

To be clear, our position is (and always has been) that communications discussing (for example) “transactions” between Bittrex and Bitfinex could be relevant. Without hit reports—which you have again refused to provide—we cannot evaluate your eleventh-hour proposal or your assertion that the proposal is proportionate to the needs of the case.

If Bittrex intends to say in its letter that (as you put it this morning) you will “tell [Judge Failla] that you have made” your proposal, please include our correspondence today as an exhibit to your letter.

Regards,
Anne

Anne Arcoleo

Associate [\[Email\]](#)

Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: she, her, hers

+1 212.390.9091 [O]

+1 646.830.5673 [M]

From: Campbell, Eamonn W. <ecampbell@omm.com>
Sent: Monday, December 5, 2022 3:00 PM
To: Anne Arcoleo <aarcoleo@selendygay.com>; Mitchell Nobel <mnobel@selendygay.com>; Laura King <lking@selendygay.com>; Tether Team <TetherTeam@schneiderwallace.com>
Cc: Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>
Subject: RE: In re Tether Bitfinex - Plaintiffs' Proposed Search Terms

Anne,

The modifications to these search strings would address your concern that Bittrex employees could have discussed Bitfinex without mentioning Tether or USDT specifically, including in your example “I have serious concerns that Bitfinex’s coins are not backed.” We think that this proposal is proportionate to the needs of the case and gives you much of what you said you want in your letter, without forcing Bittrex to have to review every document that mentions “transact*” and Bitfinex. If you are insisting that Bittrex undertake that review, then we won’t be able to reach an agreement.

As to the hit reports, we do not see how hit reports are necessary to determine whether these expanded search strings would capture the documents that you’re concerned about our review missing.

Best,
Eamonn

Eamonn W. Campbell
O: +1-212-728-5878
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From: Anne Arcoleo <aarcoleo@selendygay.com>
Sent: Monday, December 5, 2022 1:25 PM
To: Campbell, Eamonn W. <ecampbell@omm.com>; Mitchell Nobel <mnobel@selendygay.com>; Laura King <lking@selendygay.com>; Tether Team <TetherTeam@schneiderwallace.com>
Cc: Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>
Subject: RE: In re Tether Bitfinex - Plaintiffs' Proposed Search Terms

[EXTERNAL MESSAGE]

Eamonn,

Thank you for your offer. We are surprised to learn that you did not understand the concerns we had previously expressed regarding the introduction of your proposed limitation to the search string, but we are glad you now do. Regarding your proposed compromise, we do not concede that the unmodified search string we proposed is burdensome. Furthermore, the search terms you list below were not the subject of our pre-motion letter to the court, and do not include key relevant terms such as transact*. We therefore do not understand how the modification of these unrelated search terms would resolve our dispute.

So we may better consider your offer, please provide hit reports showing 1.) hits generated by our unmodified search string, as we previously requested and 2.) hits generated by your proposed modifications to the other search terms listed below. Please also include how many of the hits are Slack transcripts. Without both hit reports, we are unable to assess your offer.

Regards,
Anne

Anne Arcoleo
Associate [\[Email\]](#)
Selendy Gay Elsberg PLLC [\[Web\]](#)
Pronouns: she, her, hers

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From: Campbell, Eamonn W. <ecampbell@omm.com>
Sent: Monday, December 5, 2022 11:26 AM
To: Mitchell Nobel <mnobel@selendygay.com>; Anne Arcoleo <aarcoleo@selendygay.com>; Laura King <lking@selendygay.com>; Tether Team <TetherTeam@schneiderwallace.com>
Cc: Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>
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Counsel,

We have reviewed your letter to the Court and are preparing our response to be filed this evening. But now that we understand your concern and see the examples you put in your letter, we have a compromise to propose. We are willing to add “OR Bitfinex” to the following four searches:

- ((agree w/15 (flow OR USDT OR Tether OR mint* OR issu* OR Poloniex OR Bittrex OR Reggie OR Fowler)) w/15 (Tether OR USDT OR Bitfinex))
- ((Account* OR Track* OR monitor* OR maintain*) w/5 ((USDT OR Tether OR Bitfinex) w/15 (issu* OR redeem* OR redemption* OR dollar* OR fiat OR currenc* OR valu* OR reserve* OR balance)))
- ((Tether OR USDT OR Bitfinex) w/7 (back* OR debase* OR fals* OR fraud* OR mint* OR burn* OR manip* or pump*))
- (“not backed” w/5 (Tether OR USDT OR Bitfinex))

These expanded searches should capture what Plaintiffs need without burdening Bittrex with reviewing every document that talks about a trade or transaction and Bitfinex. We are confident that the Court will, at most, order this compromise – which we will tell her that we have made to Plaintiffs – rather than the overbroad search you propose, but we would like to give you the opportunity to accept the proposal now and withdraw your motion. Please let us know if this compromise is acceptable to you by 5 pm today.

Best,
Eamonn

Eamonn W. Campbell
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ecampbell@omm.com

From: Campbell, Eamonn W.
Sent: Tuesday, November 15, 2022 6:51 PM
To: 'Mitchell Nobel' <mnobel@selendygay.com>; Greg Hollon <GHollon@mcnaul.com>; Rudzin, Abby F. <arudzin@omm.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>
Cc: Lisa Nelson <LNelson@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>; Tether Team <TetherTeam@schneiderwallace.com>
Subject: RE: In re Tether Bitfinex - Plaintiffs' Proposed Search Terms

Mitchell,

The RFPs you cite don't support the broad search term that you want us to run. In response to RFP 2 we agreed only to produce documents sufficient to show any agreement Bittrex has with Bitfinex, which we will do. RFPs 20 and 21 are about USDT, so the limiter we proposed is appropriate. We did not agree to produce any documents in response to RFP 45, so an email search is not required for that request. We disagree with the other parts of your email, including that the term would not impose a burdensome review on Bittrex.

We are beginning our review with the limiter we proposed on that term.

Best,
Eamonn

Eamonn W. Campbell
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